IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 283 OF 2006

IN

SECOND APPEAL NO. 94 OF 2005

SHRI CONSTANCIO LUIS CAETANO RUBINO LOBO (SIN.DEC.) REP.BY HIS LEGAL HEIRS, ...Applicant

Versus

SMT.LEANDRINA ANTAO AND ORS., ...Respondents

Mr.M.B. D'Costa, Sr. Advocate with Mr. J.A. Lobo, Advocate for the Applicants.

Shri Sudesh Usgaonkar, Advocate for the Respondents.

Coram:- P.V. KAKADE, J.

Date:- 31st August, 2006

P.C.:

Heard both sides.

This is an application to maintain status quo in respect of the suit property which was subject matter of dispute between the parties. The Second Appeal is already admitted and the applicant/appellant has sought temporary injunction restraining the respondents/defendants from cutting any trees, erecting any construction or parting with possession and/or creating any third party rights in the suit property.

I was taken through the relevant record by the learned counsel for the applicants. It was the argument on behalf of the respondents that they are still in enjoyment of the property since 1966 and cannot be restrained at this stage from enjoying the property. In view of the facts and

circumstances, I am inclined to allow the application partly with the direction that the respondents shall not create any third party rights or interest in the suit propery pending the appeal and if at all any changes in the property such as new construction, etc. are made, those will be subject to the final order to be passed by this Court on merits while disposing of the Second Appeal. With these directions, the application stands disposed of with no order as to costs.

P.V. KAKADE, J.

sl.